

REMARKS

Review and reconsideration of the Office Action of August 4, 2004, is respectfully requested in view of the above amendments and the following remarks.

Applicants would like to thank the Examiner for the detail and helpful comment regarding the specification and claims. Applicants have carefully reviewed and revised the specification in order to place the claims (translations of German priority application) into US format.

Office Action

Turning now to the Office Action in greater detail, the paragraphing of the Examiner is adopted.

Information Disclosure Statement

The Examiner notes that the listing of references in the specification is not a proper information disclosure statement.

Applicants respond that the references cited in the specification are mere background and are not considered material to the patentability of the claims.

Specification (informalities)

The Examiner suggests numerous modifications to the specification and claims.

Applicants have reviewed and revised the specification and claims.

Withdrawal of the rejection is respectfully requested.

Claim Objections (informalities)

The Examiner objected the claims 7-8 to be because of informalities.

In response, Applicants have reviewed and revised the claims.

Claim Rejections (35 USC §112)

Claims 4, 5-10, 11 and 12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicants have reviewed and revised the claims.

Claim Rejections (35 USC & §102)

Claim 1 is rejected under 35 U.S.C. §120(b) as being anticipated by Kirchweiger et al. (Patent No. 4,194,484).

Applicants respectfully traverse the rejection in view of the claims, as amended.

That is, the claims as originally presented used the preamble "housing for a turbocharger". This preamble was intended to refer to the housing of the turbocharger, but Applicants now see that it could be interpreted as referring to a noise suppressing housing for surrounding a turbocharger, i.e., an independent housing that is not a part of the turbocharger, as disclosed Kirchweiger et al.

Applicants respectfully submit that it is clear from the figures and specification that the present invention does not concern a separate housing for surrounding the turbocharger, but rather, the turbocharger housing *per se* (i.e., the part of the turbocharger that surrounds the rotor parts and defines the volutes).

Applicants also note that elements of the exhaust manifold are included in the claims. Thus, revision of the preamble was necessary.

Accordingly, Applicants change the preamble to refer to a "turbocharger housing and exhaust manifold system", and now claim:

A turbocharger and exhaust manifold system comprising
a turbine housing (6, 7, 22) defining a rotor space (15)
for receiving and accommodating a turbine rotor (18);

a branch pipe (4') connecting said housing (6, 7, 22) to
at least one piece (3, 4) of an exhaust gas manifold of a
combustion motor (20);

wherein the turbine housing (6, 7, 22) and at least the
branch pipe (4') for the connection with the exhaust gas
manifold piece (3, 4) are made of sheet metal, and

wherein the exhaust gas manifold pieces (3, 4) are in
thermal connection with said turbine housing (6, 7, 22).

Applicants respectfully submit that the claim, as
amended, is not anticipated by Kirchweger et al. The cited
reference in particular does not teach a turbine housing made
of sheet metal, a branch pipe (4') of an exhaust manifold
piece (4) made of sheet metal, and the turbine housing and
branch pipe in thermal contact.

Withdrawal of the rejection is respectfully requested.

Claim Rejections (35 USC §103)

Claim 2 (parts of exhaust manifold made of sheet metal)
is rejected under 35 U.S.C. 103(a) as being obvious over
Kirchweger et al. (Patent No. 4,194,484), in view of Stratton
et al. (Patent No. 4,182,122), and further in view of Chen et
al. (Pub. No. US2004/0142152 A1).

Applicants respectfully submit that, as a result of the
revision of claim 1 to more clearly claim the invention as
concerning

- a turbine housing made of sheet metal,
- a branch pipe (4') of an exhaust manifold piece (4),
the branch pipe (4') made of sheet metal,
- with the turbine housing and branch pipe in thermal
contact,

the primary reference (teaching a noise suppressing
housing) is no longer relevant, and thus the combination of

the primary reference with the secondary reference (teaching insulation of an exhaust manifold) does not render claim 2 obvious.

Withdrawal of the rejection is respectfully requested.

Claim 3 (parts in sliding contact) is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchweger et al. (Patent No. 4,194,484), in view of Stratton et al. (Patent No. 4,182,122).

Applicants respectfully submit that claim 3 is patentable by virtue of it's dependency from an allowable main claim.

Claims 4-6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchweger et al. (Patent No. 4,194,484), in view of the admitted prior art of Manfred et al. (Patent No. DE 100 22 052 A1).

Applicants respectfully submit that these Claims are patentable by virtue of their dependency from an allowable main claim.

Claim 7 (two layers of sheet metal spaced apart) is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchweger et al. (Patent No. 4,194,484), in view of the admitted prior art of Manfred et al. (Patent No. DE 100 22 052 A1) and further in view of Stratton et al. (Patent No. 4,182,122).

Applicants respectfully submit that claim 7 is patentable by virtue of it's dependency from an allowable main claim.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchweger et al. (Patent No. 4,194,484), in view of Stratton et al. (Patent No. 4,182,122) and further in view of Manfred et al. (Patent No. DE 100 22 052 A1).

Applicants respectfully submit that claim 8 is patentable by virtue of it's dependency from an allowable main claim.

Claim 9 (insulation layer) is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchweger et al. (Patent

U.S. Application No.: 10/726,760
AMENDMENT A

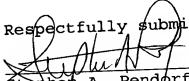
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No. 4,194,484), in view of Kohl et al. (Patent No. DE 33 34 413 A1).

Applicants respectfully submit that claim 9 is patentable by virtue of it's dependency from an allowable main claim.

Accordingly, withdrawal of the rejections and early issuance of the Notice of Allowance are respectfully requested.

Respectfully submitted,


Stephan A. Pendorf
Registration No. 32,665

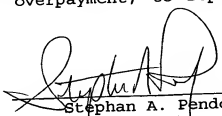
PENDORF & CUTLIFF
5111 Memorial Hwy
Tampa, Florida 33634-7356
(813) 886-6085

Date: December 3, 2003

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT A for U.S. Application No. 10/726,760 filed December 3, 2003, was deposited in first class U.S. mail, with sufficient postage, addressed: Attn: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 3, 2004.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.


Stephan A. Pendorf